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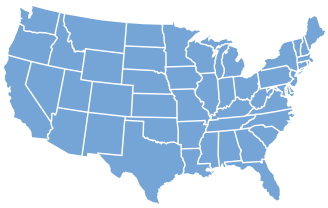
EMPLOYERS STATE LAW ALERT
Summarizing Significant New Employment Laws & Regs in All 50 States



Wage and Hour Law

Vol. 13, No. 4 • April 2018

Recent congressional action on tip pools highlights differences in state laws

by Tammy Binford

Workers' rights advocates and employers of tipped workers both claimed victory in March when Congress addressed tip pooling in its $1.3 trillion spending bill. The new law, signed by President Donald Trump on March 23, makes clear that employers are allowed to require tipped employees to contribute to a tip pool to be shared with nontipped workers—something employers wanted—but only if employers, managers, and supervisors aren't allowed to receive a portion of the pool—an assurance workers wanted.

The law also requires employers using a tip pool to pay all workers at least the full minimum wage, not a lower minimum for tipped workers. All the congressional attention related to tipped workers' pay brings up an often overlooked question related to minimum wage laws, and that is: When is the minimum wage not really the minimum wage? The answer to that question depends on whether employers are covered by laws that allow certain kinds of workers to earn less than the full minimum wage.

Employers covered by the federal Fair Labor Standards Act (FLSA) are allowed to pay as little as $2.13 an hour to workers who normally receive tips as long as tips bring their pay up to at least the full federal minimum wage of $7.25 an hour. That means employers can take a tip credit of not more than $5.12 an hour. (The $2.13 tipped minimum added to the $5.12 tip credit equals the $7.25 minimum wage.)

Many states and cities have their own minimum wages that are higher than the federal level, and like the federal law, most state laws also allow tipped workers and certain other kinds of workers to earn a lower minimum wage.

Tipped minimum wages

Although minimum wage laws in most states allow a lower minimum for tipped workers, seven states require employers to pay at least the full minimum wage to tipped as well as nontipped workers. Information from the U.S. Department of Labor (DOL) shows that those states are:

- Alaska, which has a minimum wage of $9.84 an hour;
- California, which has a minimum of $10.50 an hour for employers with 25 or fewer employees and $11 an hour for employers with 26 or more employees;
- Minnesota, which has a minimum of $9.65 an hour for large employers and $7.87 an hour for small employers (large employers are enterprises whose gross volume of sales made or business done is

(continued on pg. 2)

In This Issue

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at least $500,000, and small employers are those with gross volume of sales made or business done that is less than $500,000);

- Montana, which has a minimum of $8.30 for businesses with gross annual sales over $110,000 and $4 for businesses not covered by the FLSA with annual sales of $110,000 or less;
- Nevada, which has a minimum of $8.25 for employers that don't offer health insurance benefits and $7.25 for employers that do offer health insurance benefits;
- Oregon, which has a minimum of $10.25; and
- Washington, which has a minimum of $11.50.

More jurisdictions soon may be added to that list. New York Governor Andrew Cuomo is urging the elimination of the tipped minimum wage in his state, meaning employers of tipped workers would have to pay at least the full minimum wage. Also, voters in Washington, D.C., are to vote on eliminating the tipped minimum in a June referendum, and an effort is underway to put the issue on the ballot in Michigan.

For a while, it looked like Maine would be another state on the list of those without a lower minimum wage for tipped workers. In a 2016 referendum, Maine voters passed a ballot measure that raised the state's minimum wage and was to eventually phase out the lower minimum for tipped workers. But many restaurant workers complained because they began to see customers tip less, which meant they saw their take-home pay decrease in spite of the increase to the minimum wage. So in 2017, the state legislature passed a bill restoring the tipped minimum wage to 50 percent of the state's full minimum. That law took effect January 1, 2018.

Most states allow employers to use a tip credit to bring employees up to the full minimum wage. For example, a chart from the DOL shows that in Delaware, the tipped minimum is $2.23 an hour and the full minimum is $8.25, meaning employers can use a tip credit up to $6.02.

Sometimes states have tipped minimums much closer to the full minimum wage. For example, Iowa's tipped minimum wage is $4.35 an hour and the full minimum is $7.25, leaving a tip credit of just $2.90 per hour.

Some states set the tipped minimum as a percentage of the full minimum. For example, in New Hampshire, the tipped minimum wage is 45 percent of the full minimum—$3.26 for the tipped minimum, $7.25 for the full minimum, and $3.99 for the tip credit.

Other subminimum wages

Both federal and state laws also allow employers to pay certain employees other than tipped workers less than the full minimum wage. On the federal level, the FLSA allows workers under age 20 to be paid as little as $4.25 an hour during their first 90 consecutive calendar days of employment as long as their work doesn't displace other workers. After the 90-day period or the employee reaches age 20, whichever comes first, the employee must be paid the full $7.25-an-hour minimum wage.

The FLSA also makes exceptions for certain workers with disabilities and specific types of full-time students and other student learners. Like federal law, state minimum wage laws also frequently make exceptions for students and certain workers with disabilities.

Statutes

Alaska

Analysis

Wages

Alaska repeals minimum wage exemption for persons with disabilities

by Jared Gardner

Federal law has permitted employers to pay persons with disabilities less than minimum wage since 1938. Alaska law has done the same since 1978. But on February 16, 2018, as part of a push to expand notions of providing livable wages to persons with disabilities, Alaska repealed its law permitting subminimum wages for disabled persons. Alaska employers now must pay all employees the state minimum wage.

Minimum wage exemptions have lengthy pedigree

Recently, the country has seen a push to increase the minimum wage at both federal and state levels. Many of the efforts have left out a constituency that has been subject to minimum wage exemptions since the Fair Labor Standards Act (FLSA) was passed in 1938: persons with disabilities. Under Section 14c of the FLSA, employers may obtain special certificates from the U.S. Department of Labor (DOL) that waive their obligation to pay the federal minimum wage to persons with disabilities. Between 250,000 and 420,000 Americans with disabilities are subject to the exemptions. Historically, states have permitted similar exemptions under their wage and hour laws.

One original rationale for the exemptions was to encourage employers to hire veterans with disabilities who were struggling to find work in a growing manufacturing economy. The exemptions were thought to encourage a form of training that would guide persons with disabilities into normal work environments. But less than five percent of workers in such programs ever leave them for jobs in the broader community.

Exemptions draw scrutiny

Minimum wage exemptions for persons with disabilities have seen increased scrutiny in recent years, reflecting evolving perspectives on both the value of a living wage and the value of empowerment and self-determination for persons with disabilities. Thus, when President Barack Obama proposed an Executive Order to raise the minimum wage for federally contracted workers that excluded workers subject to Section 14c exemptions, he faced immediate pushback. The National Council on Disability, among other groups, argued that the motivation for President Obama's order—that workers who cook troops' meals or wash their

clothes should not live in poverty—applies to Americans who have disabilities just as it applies to those who do not. Those arguments were heard, and the final Executive Order applied the new minimum wage to federally contracted workers with disabilities.

Alaska repeals its minimum wage exemption

The arguments have also started to affect state legislatures. Alaska recently joined New Hampshire and Maryland as the only states to eliminate exemptions that permit paying subminimum wages to persons with disabilities. Effective February 16, 2018, Alaska's regulations permitting such wages are off the books. The regulations had been in place since 1978.

A press release from the Alaska Department of Labor and Workforce Development explained that the exemptions were originally considered necessary to help people with disabilities gain employment and that experience over the past several decades has shown that workers with disabilities can succeed in jobs earning minimum wage or more. Eliminating the exemptions also helped bring employment practices into alignment with the Alaska Employment First Act of 2014, which requires vocational services to help people with disabilities become gainfully employed at or above minimum wage.

Takeaways

The repeal of Alaska's subminimum wage regulations means that employers with an exemption to pay less than minimum wage may no longer rely on it. Employers must pay all employees—including those with disabilities—the state minimum wage. The forces that led Alaska to repeal its exemption may soon lead other states—and perhaps the federal government—to follow suit.

Excerpted from *Alaska Employment Law Letter*
Edited by Jared L. Gardner of Perkins Coie LLC and
Elizabeth P. (Liz) Hodes of Davis Wright Tremaine LLP

Idaho

Workers' Compensation

Coverage for students

This law adds language that would require a postsecondary institution to cover a student through the institution's workers' compensation policy if the employer the student is placed with does not cover the student through its policy. The definition of "work experience student" includes work-study students of Idaho's public higher education institutions. Adult students, when employed by an institution or placed in an off-campus work experience, are covered as employees by the employer's workers' comp coverage.

Cite: 2018 ID HB366, ID Pub. Ch. 39 (2 pages)

Enacted: 3/7/2018

Effective: 7/1/2018

https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0366.pdf

Indiana

Unemployment Compensation

Definition of wages

This law excludes workers' compensation and occupational disease compensation payments from the definition of "wages" for unemployment insurance purposes. It establishes a flat fee of $12 as the employer's collection fee for withholding amounts from an individual's income to repay unemployment insurance benefit overpayments. The law allows an individual to request a review by the commissioner of the Department of Workforce Development of an adverse decision following an administrative hearing in which the individual contests the income withholding.

Cite: 2018 IN HB1036, IN Pub. Ch. 66 (6 pages)

Enacted: 3/13/2018

Effective: 7/1/2018

https://iga.in.gov/legislative/2018/bills/house/1036#

Workers' Compensation

Drug formulary

This law prohibits workers' compensation and occupational disease compensation reimbursement for drugs specified in the ODG Workers' Compensation Drug Formulary Appendix A published by MCG Health as "N" drugs, except during a medical emergency. It permits a prescribing physician to request to prescribe an "N" drug. The law provides that if the employer approves the request, the prescribing physician may prescribe the "N" drug. If the employer does not approve the request, it must send the request to a third party that is certified by the Utilization Review Accreditation Commission to make a determination concerning the request and notify the prescribing physician and the employee of the third party's determination no more than five business days after receiving the request. If the third party's determination is to deny the request, the employer must notify the prescribing physician and the employee, and the employee may apply to the Workers' Compensation Board for a final determination. If the employer fails to notify the physician and the employee of the third party's determination, the prescribing physician's request will considered approved, and reimbursement of the "N" drug will be authorized.

Cite: 2018 IN SB369, IN Pub. Ch. 206 (5 pages)

Enacted: 3/25/2018

Effective: 7/1/2018

https://iga.in.gov/legislative/2018/bills/senate/369#

Workers' Compensation

Various changes

This law establishes a time frame for the payment of compensation under a settlement agreement, a permanent partial impairment agreement, and an award of compensation ordered by a single hearing member of the Workers' Compensation Board. It provides that an employer that fails to

make a timely payment is subject to a civil penalty. It requires an employer that has mobile or remote employees to convey information about workers' comp coverage to its employees in an electronic format or in the same manner as it conveys other employment-related information. The law allows the electronic filing of certain documents with the board. It requires the reporting of workplace injuries needing medical attention beyond first aid instead of injuries causing an absence from work for more than one day. It also provides that reporting requirements for workplace injuries are intended to be consistent with the recording requirements set out in the Occupational Safety and Health Administration's (OSHA) regulations. The law changes the civil penalty for an employer's failure to provide proof of workers' comp coverage from $50 per employee to $100 per day. It revises the definition of employer to include corporations, limited liability companies, limited liability partnerships, and other entities that have common control and ownership.

Cite: 2018 IN SB290, IN Pub. Ch. 204 (44 pages)

Enacted: 3/25/2018

Effective: 7/1/2018

https://iga.in.gov/legislative/2018/bills/senate/290#document-b99f2438

Iowa

Employee Conduct

Alcohol testing

This law changes the standard alcohol concentration required in a private employer's written alcohol testing policy to be not less than .02.

Cite: 2018 IA HF2382 (1 page)

Enacted: 3/28/2018

Effective: 7/1/2018

www.legis.iowa.gov/docs/publications/iactc/87.2/CH1046.pdf

Wages

Permits electronic wage statements

This law permits employers to provide employees with wage statements by electronic means.

Cite: 2018 IA HF2240 (2 pages)

Enacted: 3/7/2018

Effective: 7/1/2018

www.legis.iowa.gov/docs/publications/LGE/87/HF2240.pdf

Kentucky

Workers' Compensation

Various changes to workers' comp law

This law overhauls the state's workers' comp statutes. The law increases the maximum compensation rates for employee temporary total disability, permanent total disability, and permanent partial disability benefits. It also improves access to vocational rehabilitation services and makes improvements in the dispute resolution system. The proposed 15-year benefit cap from the date of injury would apply to certain workers filing claims for permanent partial disability because of on-the-job injuries.

Cite: 2018 KY HB2 (63 pages)

Enacted: 3/30/2018

Effective: 7/1/2018

www.lrc.ky.gov/recorddocuments/bill/18RS/HB2/bill.pdf

Massachusetts

Public Employers: Employee Safety

Applies federal OSH Act to public employees

This law applies federal Occupational Safety and Health Act (OSH Act) workplace safety standards to public employees statewide. The law applies the federal standards to all public employees and creates a new statewide advisory board to evaluate injury and illness data, recommend training, and monitor the effectiveness of safety standards.

Cite: 2018 MA HB3952, MA Pub. Ch. 44 (2 pages)

Enacted: 3/9/2018

Effective: 2/1/2019

https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter44

Oregon

Labor Contractors

Licensing for property services contractors

This law changes the criteria for a private nonprofit corporation to be licensed as a property services contractor. It exempts property services contractors from the requirement to submit to the Bureau of Labor and Industries copies of all payroll records when the labor contractor pays employees directly. It specifies when the initial and continuing training of employees must occur. The law excludes employees of a contractor from the definition of property services contractor. It requires employers to provide pay and time records within 45 days of an employee's request.

Cite: 2018 OR HB4058 (11 pages)

Enacted: 3/12/2018

Effective: 3/12/2018

https://olis.leg.state.or.us/liz/2018R1/Downloads/MeasureDocument/HB4058/Enrolled

South Dakota

Employee Privacy

Notification of breach of personal data

This law relates to the breach of a security system and certain personal data. The law requires any person or business

conducting business in the state to notify any residents of the state of a breach of their personal or protected information. Disclosure of a breach must be made no later than 60 days from the discovery of the breach, unless a longer period of time is required because of the legitimate needs of law enforcement. An information holder is not required to make a disclosure if, following an appropriate investigation and notice to the attorney general, it reasonably determines that the breach will not likely result in harm to the affected persons. The information holder must document the determination in writing and maintain the documentation for no less than three years. The law sets out the methods for how the notice may be made. If a business or person holding the information maintains its own notification procedure as part of an information security policy for the treatment of personal or protected information and the policy is otherwise consistent with the timing requirements, then the information holder is in compliance with the notification requirements if it notifies each person in accordance with its policies in the event of a breach of system security.

Cite: 2018 SD SB62 (6 pages)

Enacted: 3/26/2018

Effective: 7/1/2018

www.sdlegislature.gov/docs/legsession/2018/Bills/SB62ENR.pdf

Texas

Analysis

Employee Benefits

Austin takes cue from California, requires paid sick leave

by Billy Hammel
Constangy, Brooks, Smith & Prophete LLP

Although many employers voluntarily offer some form of paid sick leave as a benefit, no federal or Texas law requires it. Perceiving a gap in federal law, various states, cities, and counties have mandated sick leave by statute or ordinance. In 2014, only about five states, counties, and municipalities required some form of sick leave. Now, at least 43 locales do, and the list is growing exponentially.

Until recently, state and local efforts to regulate employee sick leave have been limited to the West Coast, Northeast, and Midwest. With the passage of its sick leave ordinance in February, however, Austin became the first city in Texas to follow the trend.

Generally, the Austin ordinance provides mandatory sick leave for qualifying employees and authorizes civil penalties for noncompliance:

- Effective dates. The ordinance is scheduled to take effect on October 1, 2018, for employers with six or more employees and on October 1, 2020, for employers with five or fewer employees.

- Coverage. The ordinance applies to all private employers, regardless of size or number of employees. An employee is eligible for mandatory sick leave if she performs at least 80 hours of work in a calendar year in Austin. Only employees qualify; true independent contractors do not.

- Accrual of sick leave. Employees will earn one hour of sick time for every 30 hours worked. Sick time will start accruing when employment begins or when the ordinance takes effect, whichever is later.

- Caps. Accrued leave will be capped based on employer size. Employers with more than 15 employees in the preceding 12 months must allow eligible employees to accrue up to 64 hours of leave per year. Employers with 15 or fewer employees in the preceding 12 months must allow eligible employees to accrue up to 48 hours per year. Employees may carry over accrued but unused sick leave to the next year, but only up to the applicable cap.

- Use of leave. An employee may use sick leave (1) for his own physical or mental illness, injury, or condition; (2) to care for a family member; or (3) to seek medical attention, seek relocation, obtain the services of a victim services organization, or participate in legal or court-ordered actions related to an incident of victimization from domestic abuse, sexual assault, or stalking involving the employee or a family member. An employee must make a timely request for leave before his next scheduled work time, with exceptions for unforeseeable but otherwise qualifying absences.

- Notice requirements. Employers must keep records of the amount of sick leave accrued by each employee and provide employees with notice of the amount of accrued leave on at least a monthly basis. Additionally, employers must include a notice concerning the ordinance's contents in employee handbooks or policies defining sick leave benefits. Finally, once the city provides access to required signage on its website, employers must conspicuously post signage describing the ordinance in English and Spanish.

- Penalties. The ordinance will be enforced by the city of Austin's Equal Employment Opportunity and Fair Housing Office (EEO/FHO). Civil penalties of up to $500 may be assessed for substantiated violations. However, the EEO/FHO may offer an employer 10 business days to voluntarily comply with the ordinance before assessing penalties. Civil penalties will not be assessed for substantive violations until after June 1, 2019.

The new ordinance could set up a battle in the Texas Legislature, where several state representatives have already promised to overturn it by state law. The legislature will not meet again until 2019, however, so the ordinance likely will take effect before it can be addressed at the state level—if it ever is.

At least for now, it looks like Austin's sick leave ordinance will take effect. Therefore, employers with operations in Austin would be wise to plan their compliance strategies well before October 1.

Also, Texas employers should note the growing trend of local regulation of sick leave benefits. Dallas City Council members have already hinted that they will propose a

similar ordinance. Unless the Texas Legislature addresses the issue, the growing trend of local regulation of the employment relationship is likely here to stay.

Excerpted from *Texas Employment Law Letter*
Edited by Michael P. Maslanka of FisherBroyles, LLP,
Mark Flora of Constangy, Brooks, Smith & Prophete LLP, and
Jacob M. Monty of Monty & Ramirez LLP

Utah

Employee Discrimination

Breastfeeding Protection Act

This law creates the Breastfeeding Protection Act. The law prohibits discrimination based on pregnancy in places of public accommodation and permits a woman to breastfeed in any place of public accommodation.

Cite: 2017 UT HB196 (4 pages)

Enacted: 3/16/2018

Effective: 5/8/2018

https://le.utah.gov/~2018/bills/hbillenr/HB0196.pdf

Public Employers: Employee Benefits

Forfeiture of retirement benefits

This law authorizes a district attorney, a county attorney, the attorney general's office, or the state auditor to notify the Utah State Retirement Office and the employee's participating employer if an employee is charged with an offense that is or may be employment-related. It requires the participating employer that received the notification to make certain reports to the entity that provided the notification.

Cite: 2018 UT HB147 (4 pages)

Enacted: 3/15/2018

Effective: 7/1/2018

https://le.utah.gov/~2018/bills/hbillenr/HB0147.pdf

Wages

Amends definition of employer, enacts Service Marketplace Platforms Act

This law modifies the definition of "employer" for purposes of wage payment. The law provides that the definition does not include an individual who is not an officer, a manager of a manager-managed limited liability company, a member of a member-managed limited liability company, a general partner of a limited partnership, or a partner of a partnership. The law also enacts the Service Marketplace Platforms Act and establishes a presumption that a building service contractor that affiliates with a service marketplace platform is an independent contractor, not an employee.

Cite: 2018 UT HB364 (5 pages)

Enacted: 3/21/2018

Effective: 5/8/2018

https://le.utah.gov/~2018/bills/hbillenr/HB0364.pdf

Wages

Commission-based sales agents

This law addresses the payment of unpaid wages to a commission-based sales agent after the employer separates the sales agent from its payroll.

Cite: 2018 UT SB212 (3 pages)

Enacted: 3/19/2018

Effective: 5/8/2018

https://le.utah.gov/~2018/bills/sbillenr/SB0212.pdf

Workers' Compensation

Prohibits employer interference

This law makes it unlawful for an employer to interfere with an employee's ability to seek workers' compensation benefits or retaliate against an employee for seeking such benefits. The law also provides penalties for violations by employers.

Cite: 2018 UT HB288 (2 pages)

Enacted: 3/19/2018

Effective: 5/8/2018

https://le.utah.gov/~2018/bills/hbillenr/HB0288.pdf

Virginia

Employee Benefits

National guard

This law extends the rights regarding leaves of absence from nongovernmental employment, reemployment, and employment nondiscrimination that are currently provided to members of the Virginia National Guard and the Virginia Defense Force and residents of Virginia who are members of the National Guard of another state to any person who is a member of the National Guard of another state who is employed or seeking employment in Virginia.

Cite: 2018 VA HB146, VA Pub. Ch. 216 (1 page)

Enacted: 3/9/2018

Effective: 7/1/2018

https://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+CHAP0216+pdf

Unemployment Compensation

Increases penalty for failure to file report

This law increases the penalty—from $75 to $100—that the Virginia Employment Commission is required to assess an employer that fails to file a report required by the unemployment compensation laws with respect to wages or taxes.

Cite: 2018 VA HB1293, VA Pub. Ch. 227 (1 page)

Enacted: 3/9/2018

Effective: 7/1/2018

https://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+CHAP0227+pdf

Wages

Eliminates employer requirement relating to income withholding orders

This law repeals the requirement that an employer request that each new employee disclose whether he has an income withholding order. This requirement has been superseded in practice by requirements that an employer submit information about new hires to the Virginia New Hire Reporting Center within 20 days of the employee's hire date.

Cite: 2018 VA SB51, VA Pub. Ch. 457 (1 page)

Enacted: 3/23/2018

Effective: 7/1/2018

https://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+CHAP0457+pdf

Workers' Compensation

Determination of medical community

This law clarifies that the "medical community," when referring to providers of medical services rendered under the Virginia Workers' Compensation Act outside the Commonwealth, will be determined by the zip code of the principal place of business of the employer if located in the Commonwealth. If the employer's principal place of business is not in the Commonwealth, then it will be determined by the zip code of the location where the Workers' Compensation Commission would conduct its hearing regarding a dispute concerning the medical services.

Cite: 2018 VA HB558, VA Pub. Ch. 261 (5 pages)

Enacted: 3/9/2018

Effective: 7/1/2018

https://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+CHAP0261+pdf

Washington

Background Checks

Criminal history questions

This law prohibits employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position. An employer may not include any question on an application for employment, inquire either orally or in writing, receive information through a criminal history background check, or obtain information about an applicant's criminal record until after the employer initially determines the applicant is otherwise qualified for the position (meaning the applicant meets the basic criteria for the position as stated in the advertisement or job description). Once the employer has initially determined the applicant is otherwise qualified, it may inquire into or obtain information about criminal records. Ads that state "no felons" or "no criminal background" or that convey similar messages are prohibited. Employers may not implement any policy or practice that automatically or categorically excludes individuals with a criminal record from consideration before an initial determination that the applicant is otherwise qualified for the position. Prohibited practices include rejecting an applicant for failure to disclose a criminal record before initially determining he is otherwise qualified.

Cite: 2018 WA HB1298, WA Pub. Ch. 38 (5 pages)

Enacted: 3/13/2018

Effective: 6/7/2018

http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/House/1298-S2.SL.pdf

Employee Benefits

Modifications to shared leave program

This law modifies the shared leave program to permit employees to help coworkers who need leave because they are sick or temporarily disabled because of a "pregnancy disability" or who need parental leave. Employees are not required to deplete all of their annual and sick leave and may maintain up to 40 hours of annual leave and 40 hours of sick leave in reserve. For purposes of the program, "parental leave" is defined as leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to 16 weeks after the birth or placement. "Pregnancy disability" is defined as a pregnancy-related medical condition or miscarriage.

Cite: 2018 WA HB1434, WA Pub. Ch. 39 (8 pages)

Enacted: 3/13/2018

Effective: 7/1/2018

http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/House/1434-S.SL.pdf

Employee Discrimination

This law makes it unlawful for an employer to discriminate against an applicant or employee because the individual is an actual or perceived victim of domestic violence, sexual assault, or stalking. It makes it unlawful for an employer to refuse to provide a reasonable safety accommodation requested by a victim of domestic violence, sexual assault, or stalking unless the accommodation would impose an undue hardship.

Cite: 2018 WA HB2661, WA Pub. Ch. 47 (6 pages)

Enacted: 3/13/2018

Effective: 6/7/2018

http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/House/2661.SL.pdf

Employee Discrimination

Equal pay

This law modifies the state's Equal Protection Act in several ways. Employees are "similarly employed" if the performance of the job requires comparable skill, effort, and responsibility and the jobs are performed under similar working conditions. Job titles alone are not determinative. The employer defense is changed to provide that a differential

based on the following is not discrimination: a seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor, including but not limited to education, training, or experience; or a bona fide regional difference in compensation levels that is consistent with business necessity, not based on or derived from a gender-based differential, and accounts for the entire differential. The law also provides that an employee's previous wage or salary history is not a defense. It also states that discrimination in providing employment opportunities based on gender is prohibited.

The law prohibits employers from several practices relating to wage discussions, including requiring employee nondisclosure of wages as a condition of employment, requiring an employee to sign a document that prevents her from disclosing her wages, or retaliating against an employee for inquiring about, disclosing, comparing, or otherwise discussing her wages or the wages of another employee, asking the employer to provide a reason for her wages or a lack of employment opportunities, or aiding or encouraging others to exercise their rights.

An employer may prohibit an employee who has access to the compensation information of others as part of her essential job functions from disclosing the wages of others, with some exceptions. An employer may not discharge or otherwise discriminate against an employee for filing a complaint or taking other specified actions under the Equal Pay Act or the employment opportunities or wage discussion provisions.

Cite: 2018 WA HB1506, WA Pub. Ch. 116 (8 pages)

Enacted: 3/21/2018

Effective: 6/7/2018

http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/House/1506-S2.SL.pdf

West Virginia

Public Employers: Wages

Overpayment of wages

This law relates to the voluntary assignments of wages by state employees who have been overpaid. It provides that state employees may voluntarily authorize an assignment or order of future wages to repay an overpayment.

Cite: 2018 WV HB4368 (1 page)

Enacted: 3/22/2018

Effective: 6/5/2018

www.wvlegislature.gov/Bill_Text_HTML/2018_SESSIONS/RS/bills/HB4368%20SUB%20ENR.pdf

Wisconsin

Unemployment Compensation

Various changes to unemployment compensation law

This bill provides for an unrecorded lien against any person who owes a debt under the unemployment compensation law. Current law allows the Department of Workforce Development, in certain circumstances, to hold an individual who is an officer, employee, member, manager, partner, or other responsible person holding at least 20 percent of the ownership interest of a corporation, limited liability company, or other business association personally liable for unemployment insurance contributions and certain other amounts. This bill deletes the 20 percent ownership requirement. The law also allows a setoff of any amounts against state tax refund overpayments.

The law includes a number of changes concerning the testing of claimants for the presence of controlled substances, including all of the following: providing employers that submit information about individuals who fail or refuse to take drug tests civil immunity for acts or omissions with respect to such submissions; providing for the transfer, at the end of each fiscal biennium, of any unencumbered moneys appropriated for drug testing and related expenses to the unemployment program integrity fund to be used for program integrity activities; and providing additional changes and clarifications regarding confidentiality of claimants' information related to drug testing.

Cite: 2018 WI SB399, WI Pub. Ch. 157 (35 pages)

Enacted: 3/28/2018

Effective: 4/1/2018

https://docs.legis.wisconsin.gov/2017/related/acts/157.pdf

Workers' Compensation

Third-party liability

This law revises the phrasing in certain specific provisions that prohibit a person from making a claim against a third party for a work-related injury to specify that the right to make a claim against a third party who has engaged the person's services depends on whether the person has a right to workers' compensation, rather than on whether the person has actually filed a workers' comp claim. In other words, third parties that are identified in the statutes as engaging a person's services but are not the person's employer for purposes of workers' compensation may have a claim filed against them for a work-related injury only if the person does not have the right to file a workers' compensation claim against an identified employer.

Cite: 2018 WI SB781, WI Pub. Ch. 139 (3 pages)

Enacted: 2/28/2018

Effective: 3/2/2018

https://docs.legis.wisconsin.gov/2017/related/acts/139.pdf

Wyoming

Analysis

Legislation

Wyoming Legislature takes action on noncompetes, equal pay

by Brad Cave

The Wyoming Legislature adjourned its budget session on March 15. Despite the high hurdle for introducing

nonbudgetary bills this session, the legislature considered several employment-related proposals. Here is a look at key labor and employment bills the legislature considered.

Physician noncompete covenants

House Bill (HB) 163 would restrict healthcare employers' ability to include covenants not to compete in physicians' employment agreements. Wyoming law generally permits employers to include in employment agreements covenants that prohibit employees from going to work for competitors, and such covenants can be enforced in court if the restrictions apply to a reasonable amount of time and geographic scope. This bill would prohibit noncompete covenants for physicians. The bill also would permit employers to recover damages from physicians who terminate their employment before their employment agreement expires. The bill passed the house with a large majority, but was defeated by a lopsided vote in the senate.

Discrimination protection for tobacco users

The Wyoming Fair Employment Practices Act currently prohibits employers from discriminating against applicants or employees because of their off-duty use of tobacco products. **Senate File (SF) 94** would have eliminated that provision. The proposed change would have permitted Wyoming employers to refuse to hire employees who smoke or take other measures based on tobacco use, such as charging higher insurance premiums. Although the proposal passed the senate with flying colors, the House Judiciary Committee killed it by a close vote.

Increased penalties for equal pay violations

Wyoming's equal pay law includes a criminal fine and possible imprisonment for an employer (or an individual who acts on behalf of an employer directly or indirectly) that pays employees of one gender less than it pays employees of the other gender for the same work. **HB 146** would increase the fine a court can impose from a maximum of $200 to $500 in addition to 10 to 180 days of possible confinement. While that may seem like a small monetary penalty, the statute states that each day a violation occurs constitutes a separate offense. The bill passed the house with only two "no" votes, and the Senate Labor Committee gave it a unanimous "do pass" recommendation. Despite the committee's recommendation, the bill was not brought to the senate floor for consideration, and died without action.

Workers' compensation reciprocity

HB 10 would amend the Wyoming Workers' Compensation Act to permit a nonresident employer to provide workers' comp coverage under the law of its home state for injuries occurring in Wyoming so long as (1) the home state's workers' comp agency has certified that the employer will be bound by the law and apply it to employees while working in Wyoming and (2) the certifying state accepts Wyoming workers' comp certification when Wyoming employers have employees in that state. The measure passed the house and the senate unanimously and has been signed into law by Governor Matt Mead.

Unemployment exemption for certain seasonal employees

HB 49 would have permitted employers to apply to designate certain positions or job classifications as seasonal and make those positions exempt from coverage under Wyoming's unemployment benefits law. Although the proposal received a unanimous "do pass" recommendation from the House Labor Committee, it was not considered on the house floor by the deadline for action by the entire house.

Lower wage threshold for nonresident employers' surety bonds

HB 18 would expand the number of nonresident employers that are required to post a surety bond to do business in the state by reducing the amount of wages that triggers the bonding requirement. Also, the amount of the bond would increase, depending on the wages paid to employees in Wyoming. The bill passed both houses and has been signed by the governor.

Continuation of military spouse unemployment benefits

SF 34 would remove the sunset provision terminating military spouse unemployment benefits (which is set to expire on July 1, 2018) to preserve unemployment benefits for military spouses who are unemployed as a result of relocation due to the transfer of their spouse for military duty purposes. After the senate and house wrangled over competing amendments, the bill was finally passed by both bodies, and it is waiting for action by Governor Mead.

No preference for unions on public works projects

SF 91 would create a new law prohibiting governmental entities from including any terms in contracts for public works projects that (1) require, prefer, or prohibit a contractor from being a party to a labor agreement with a union related to the project or (2) discriminate against a contractor for agreeing to or refusing to be a party to a labor agreement. The proposal passed the senate but was killed on a 5-3 vote by the House Labor Committee.

Next year

The 2019 legislative session is just around the corner! The legislature will convene next January for a general session that's sure to include several of the perennial favorites, as well as some new ideas. We will keep you updated on any interim work the legislature does on new measures.

Excerpted from *Wyoming Employment Law Letter*
Bradley T. Cave and Paula Fleck, Editors
Holland & Hart LLP

Unemployment Compensation

Military spouses

This law repeals a sunset provision that would have terminated unemployment benefits July 1, 2018, for military spouses who are unemployed as a result of a military member's relocation assignment. Unemployment benefits under this provision are federally reimbursed and are not charged to an employer's experience rating account.

Cite: 2018 WY SF34, WY Pub. Ch. 68 (3 pages)

Enacted: 3/14/2018

Effective: 3/14/2018

http://legisweb.state.wy.us/2018/Enroll/SF0034.pdf

Regulations

Alabama

Licensure

Licensure renewal, examination, and requirements

The Licensing Board for General Contractors amended regulations governing renewal procedures, requirements for bid limits, license and examination, testing requirements, qualifying parties, method of payment for fees, and inactive licenses.

Cite: Ala. Admin. Code r. 230-X-1-.01, .02, *et seq.* (16 Ala. Admin. Mthly. 5, 02/28/2018) (31 pages)

Adopted: 1/28/2018

Effective: 3/12/2018

www.alabamaadministrativecode.state.al.us/docs/ctr/230-X-1.pdf

Arizona

Licensure—Health Care Professionals

Opioid regulations

The Department of Health Services adopted emergency regulations to update rules about the provision of opioid medications by licensed providers, requiring licensed healthcare institutions to establish, document, and implement policies and procedures for prescribing, ordering, or administering opioids as part of treatment. The rules include specific processes related to opioids in a licensed healthcare institution's quality management program and requirements to notify the department of the death of a patient from an opioid overdose.

Cite: 9 A.A.C. R10-120 (24 A.A.R. 303, 02/09/2018) (7 pages)

Adopted: 2/9/2018

Effective: 1/25/2018

http://apps.azsos.gov/public_services/register/2018/6/contents.pdf

California

Licensure

Disciplinary guidelines for pharmacy

The Board of Pharmacy amended the Manual of Disciplinary Guidelines and Model Disciplinary Orders to reorganize the guidelines, incorporate changes in pharmacy laws, and establish new terms and conditions of probation.

Cite: Cal. Code Regs. tit. 16, § 1760 (CRNR 2018, Volume 5-Z, 02/02/2018, page 207) (1 page)

Adopted: 1/17/2018

Effective: 4/1/2018

https://govt.westlaw.com/calregs/Search/Index

Illinois

Occupational Safety

Hazardous materials transportation regulations

The Department of Transportation repealed and amended regulations for the transportation of hazardous materials, providing for special permits instead of exemptions and incorporating federal regulations.

Cite: 92 Ill. Adm. Code 171 (42 Ill. Reg. 2903, 02/09/2018) (9 pages)

Adopted: 2/9/2018

Effective: 1/24/2018

www.cyberdriveillinois.com/departments/index/register/volume42/register_volume42_issue6.pdf

Iowa

Healthcare Professionals

General pharmacy practices

The Pharmacy Board adopted rule amendments to ensure that prescriptions are dated and assigned a unique identification number that is to be recorded and maintained and to provide for remote storage of records in certain circumstances.

Cite: Iowa Admin. Code r. 657-6.7(2), *et seq.* (IAB, 02/14/2018, page 2050) (6 pages)

Adopted: 1/24/2018

Effective: 3/21/2018

www.legis.iowa.gov/docs/aco/bulletin/02-14-2018.pdf

Licensure—Healthcare Professionals

Sharing of information by Board of Physician Assistants

The Professional Licensure Division adopted an amendment governing the practice of physician assistants to require that the Board of Physician Assistants forward to the Board of Medicine a copy of any complaint alleging that inadequate supervision by a physician assistant's supervising physician has occurred.

Cite: Iowa Admin Code r. 645-327.8 (148C) (IAB, 02/14/2018, page 2070) (1 page)

Adopted: 1/24/2018

Effective: 3/21/2018

www.legis.iowa.gov/docs/aco/bulletin/02-14-2018.pdf

Kentucky

Healthcare Professionals

Practice standards, scopes of practice, and ethical standards

The Board of Medical Imaging and Radiation Therapy amended regulations governing practice standards, scopes

of practice, and ethical standards, adding reference to *The Practice Standards for Medical Imaging and Radiation Therapy, Glossary*, and websites for accessing codes of policies and ethics.

Cite: 201 KAR 46:035 (44 Ky.R. 1818, 02/01/2018) (2 pages)

Adopted: 11/15/2017

Effective: 2/15/2018

www.lrc.state.ky.us/kar/201/046/035.htm

Licensure—Healthcare Professionals

Limited X-ray machine operator

The Board of Medical Imaging and Radiation Therapy amended regulations to eliminate the independent study program pathway for temporary licensure of a limited X-ray machine operator.

Cite: 201 KAR 46:081 (44 Ky.R. 1819, 02/01/2018) (3 pages)

Adopted: 11/15/2017

Effective: 2/1/2018

www.lrc.ky.gov/kar/contents/registers/44Ky_R_2017-18/08_February.pdf

Louisiana

Licensure—Healthcare Professionals

Authorized practice registered nurses and physician collaboration

The Board of Nursing changed the administrative management of the collaboration that can exist between advanced practice registered nurses and their current and alternate collaborating physicians. This change allows for the collaborating physicians to delegate their responsibility to one or two other physicians to streamline approval processes and improve the meaningfulness of the agreement to the collaborating professionals.

Cite: LAC 46:XLVII.Chapter 45 (44 LR 275, 02/20/2018) (5 pages)

Adopted: 2/20/2018

Effective: 2/20/2018

www.doa.la.gov/osr/REG/1802/1802.pdf

Maryland

Analysis

Employee Leave

DLLR issues initial guidance on Healthy Working Families Act

by David M. Stevens

The Maryland Healthy Working Families Act imposes a statewide requirement that Maryland employers provide leave for employees to be used for illnesses and other covered reasons, including the birth or adoption of a child or to care for an ill family member. Employers with 15 or more employees must provide paid leave. Maryland's Department of Labor, Licensing and Regulation (DLLR) has published its initial guidance on the Act. This article offers an overview of the DLLR's guidance for employers.

A little background

Shortly after the start of the 2018 legislative session, Maryland's General Assembly enacted the Healthy Working Families Act by overriding Governor Larry Hogan's veto of the bill. The governor vetoed the Act shortly after it was passed in 2017. Because of the use of the override procedure, the law took effect on February 11, 2018, only 30 days after its passage. That compressed time frame left employers with only a short window to determine how to bring their policies into compliance with the Act and afforded the DLLR little time to issue guidance for employers on how to meet the new requirements.

Days before the Act took effect, the DLLR published a notice employers must post to comply with a provision mandating that employees be given written notice of the rights created by the Act. The poster resolved a lingering ambiguity that arose as a result of the law being passed using the veto override. The Act states that employers must award leave for hours worked beginning January 1, 2018, but because of the timing of the override, the law didn't take effect until February 11, 2018. That raised the question of whether leave needed to be awarded for time worked between January 1 and February 10. The poster published by DLLR confirms that "leave begins to accrue on February 11, 2018." A copy of the poster can be printed from the DLLR's website (www.dllr.state.md.us/paidleave/paidleaveposter.pdf).

Shortly after the Act's effective date, the DLLR issued its first detailed guidance, which it published in the form of frequently asked questions (FAQs). Although the initial guidance doesn't have the force of formal regulations, it provides important information about how the DLLR will interpret the Act's requirements.

Calculating how many employees you have

Given that employers with 15 or more employees have to provide paid leave, while those with 14 or fewer employees can provide unpaid leave, determining which employees count toward the 15-employee threshold has major implications. The guidance provides several important pieces of information on this issue. First, the DLLR has confirmed that an employer "is required to include all employees in determining whether the employer has met the 15-employee threshold, including full-time, part-time, temporary, and seasonal employees." The agency goes on to state that even though employees younger than 18 are not eligible for leave, they do count toward the 15-employee threshold.

Perhaps the most significant aspect of the guidance on the 15-employee threshold addresses whether employers must count employees who are employed at a location outside Maryland. While the Act itself doesn't explicitly exclude out-of-state employees for purposes of the count, the guidance states that in calculating whether an employer meets the 15[-] employee threshold, "the commissioner of labor and industry will consider only those employees employed in Maryland."

Flexibility in defining leave year and awarding leave

The Act requires that employers provide employees up to 40 hours of leave in a given year. The guidance clarifies

that an employer isn't required to use the calendar year period for compliance purposes. So, for example, an employer could use its own fiscal year as the period during which it tracks leave under the Act (subject to the obligation to begin leave accrual as of February 11, 2018).

The Act gives employers the option to award leave on an accrual basis—at a minimum rate of one hour of leave per 30 hours worked—or on a "front-loaded" basis. Under the front-loaded method, the employer would provide the full leave entitlement once a year instead of requiring employees to earn leave time as the year progresses. The Act incentivizes the use of the front-loaded method by not requiring employers that front load leave to allow employees to carry over sick leave hours from one year to the next. Depending on the nature of the employment, however, employers may have concerns about awarding leave in a lump sum.

The guidance clarifies that employers need not choose a single approach that applies to all employees. Instead, an employer could choose to use the front-loaded method for employees in certain job categories and the accrual method for employees in other categories. For example, the DLLR explains that "an employer could front load leave to full-time employees but provide that part-time employees earn leave on an accrual basis."

Finally, the Act applies to employees whose primary worksite is in Maryland. The guidance clarifies that for purposes of the requirement that one hour of leave be awarded for every 30 hours worked, hours worked by a Maryland employee in another state must be counted in the same manner as time the employee worked in Maryland.

Effect of leave use on attendance policies

The guidance also addresses whether an employee who calls out using leave provided by the Act can be deemed "absent" for purposes of an employer policy that imposes points for absences and tardiness. The DLLR confirms that "an employer cannot apply an absence control policy to earned sick and safe leave use if it could lead to or result in adverse action being taken against the employee."

The agency goes on to state, however, that after an employee has exhausted the leave that he is entitled to under the Act, the employer may apply its normal attendance policies to any subsequent absences.

Additional guidance from DLLR

In addition to providing a sample poster and FAQs, the DLLR has just published three sample model policies for Maryland employers to consider using to comply with the new law. The three sample policies address:

- Awarding earned sick and safe leave at the beginning of the year (Attachment A);
- Allowing for the accrual of the sick and safe leave throughout the year (Attachment B); and
- Applying the law to tipped employees (Attachment C).

The sample policies can be accessed on the DLLR website at www.dllr.maryland.gov/paidleave/paidleavemodel.shtml.

Bottom line

The Healthy Working Families Act is the most significant Maryland employment law to be passed in many years, and the short time frame during which it became effective has resulted in a number of questions about how employers can best meet its requirements. As the DLLR's guidance shows, a number of the Act's provisions are not self-explanatory, and employers would be wise to consult with legal counsel when modifying personnel policies to achieve compliance with the new law.

Excerpted from *Maryland Employment Law Letter*
Kevin C. McCormick, David M. Stevens, Editors
Whiteford, Taylor & Preston, L.L.P.

Licensure

Landscape architect professional competency

The Board of Examiners of Landscape Architects adopted new regulations to require that licensed landscape architects comply with continuing professional competency requirements as a prerequisite to the renewal of a license.

Cite: COMAR 09.28.04 (45:3 Md. Reg. 156, 02/02/2018) (1 page)

Adopted: 1/22/2018

Effective: 2/12/2018

www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=09.28.04.*

Michigan

Healthcare Professionals

Dispensing opioid antagonists

The Bureau of Professional Licensing adopted new rules for the dispensing of opioid antagonists, including the requirement of registration of pharmacies with the department, reporting of information to the department, and training in the proper use and administration of opioid antagonists and in opioid overdose response.

Cite: AC, R 338.201, 202, 203, 204 (2018 MR 2, 02/15/2018, page 8) (2 pages)

Adopted: 1/23/2018

Effective: 1/30/2018

www.michigan.gov/documents/opt/MR2_021518_613805_7.pdf

New Mexico

Licensure

Insurance professionals continuing education

The Office of Superintendent of Insurance repealed and replaced regulations for continuing education requirements for insurance professionals, with requirements for an Insurance Continuing Education Committee, requirements for licensees, and sections for provider and course requirements, reporting requirements, and auditing procedures.

Cite: 13.4.7 NMAC (29 NM Reg. 4, 02/27/2018) (7 pages)

Adopted: 2/27/2018

Effective: 2/27/2018

http://164.64.110.239/nmregister/xxix/xxix04/13.4.7.pdf

South Carolina

Workers' Compensation

Miscellaneous changes

The Workers' Compensation Commission adopted amendments to regulations for clarification of certain regulations, to amend the subpoena process of a *pro se* litigant, to facilitate the electronic submission of certain forms and documents, to eliminate the use of Form 18 to request an informal conference, to amend language to provide instructions for requesting copies of transcripts, to correct a typographical error, to adopt amendments recommended by the Debit Card Advisory Committee, and to require parties to file a Form 70 at completion of mediation.

Cite: S.C. Code Regs. 67-201, 205, *et seq.* (42-2 SC Reg. 36, 02/23/2018) (12 pages)

Adopted: 2/28/2018

Effective: 2/28/2018

www.scstatehouse.gov/state_register.php?first=FILE&pdf=1&file=Sr42-2.pdf

Texas

Healthcare Professionals

Unprofessional conduct

The Board of Nursing adopted amendments to regulations to identify behaviors in the practice of nursing that are likely to deceive, defraud, or injure clients or the public, including that failing to conform to generally accepted nursing standards in applicable practice settings constitutes unprofessional conduct.

Cite: 22 TAC § 217.12 (43 TexReg 1099, 02/23/2018) (3 pages)

Adopted: 2/5/2018

Effective: 2/25/2018

www.sos.state.tx.us/texreg/pdf/backview/0223/0223adop.pdf

Healthcare Professionals

Vocational nursing education

The Board of Nursing adopted amendments concerning the program of study for vocational nursing programs, enhancing the flexibility of the programs to design the program of study and removing the required minimum supervised clinical hour requirement.

Cite: 22 TAC § 214.9 (43 TexReg 1095, 02/23/2018) (5 pages)

Adopted: 2/8/2018

Effective: 2/28/2018

http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=11&ch=214&rl=9

Licensure

Appraiser licensing and certification

The Texas Licensing and Certification Board adopted amendments to regulations for appraiser trainees and supervisory appraisers, allowing supervisory appraisers to supervise up to five appraiser trainees.

Cite: 22 TAC § 153.21 (43 TexReg 1092, 02/23/2018) (3 pages)

Adopted: 2/12/2018

Effective: 3/4/2018

www.sos.state.tx.us/texreg/pdf/backview/0223/0223adop.pdf

Utah

Occupational Safety

Safety regulations for tow truck operations

The Department of Transportation amended rules to ensure that all tow truck motor carrier operators are trained, are licensed, have cleared a criminal background check, and have obtained and maintained a valid medical examiner's certificate. A tow truck motor carrier must notify the Department of Transportation of an operator who is not in compliance within two business days of obtaining knowledge from the Bureau of Criminal Identification. This amendment includes electronically accessible consumer protection information and a list of all tow truck motor carriers that are currently certified by the department.

Cite: Utah Admin. Code r. 909-19 (2018 Utah Bull. 4, 02/15/2018, page 120) (12 pages)

Adopted: 12/15/2017

Effective: 1/24/2018

https://rules.utah.gov/publicat/code/r909/r909-019.htm

Washington

Occupational Safety

Respirable crystalline silica

The Department of Labor and Industries updated the rule for respirable crystalline silica for construction and general industry to limit worker exposure, consistent with federal updates.

Cite: WAC 296-307-62625, WAC 296-840-095, *et seq.* (WSR 18-07-098, 03/20/2018) (53 pages)

Adopted: 3/20/2018

Effective: 4/23/2018

http://lawfilesext.leg.wa.gov/law/wsr/2018/07/18-07-098.htm

Workers' Compensation

Premium rates and experience rating parameters

The Department of Labor and Industries amended premium rates and experience rating parameters, with a 2.5 percent overall average premium rate decrease.

Cite: 296-17-855, 875, 880, 885, *et seq.* (WSR 17-24-041, 11/30/2017) (53 pages)

Adopted: 11/30/2017

Effective: 1/1/2018

http://lawfilesext.leg.wa.gov/law/wsr/2017/24/17-24-041.htm

Workers' Compensation

Retail classifications

The Department of Labor and Industries adopted changes to reclassify retail stores for workers' compensation insurance purposes.

Cite: WAC 296-17A-6304, *et seq.* (WSR 18-05-080, 02/20/2018) (10 pages)

Adopted: 2/20/2018

Effective: 1/1/2019

http://lawfilesext.leg.wa.gov/law/wsr/2018/05/18-05-080.htm